

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In Re: Peter F. DeMarco : Case No: 17-51964  
Debtor(s) : Chapter 13 Judge: CHARLES M. CALDWELL  
: 341 Meeting 6/7/17

**CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION**

Now comes Frank M. Pees, Standing Chapter 13 Trustee, and objects to the confirmation of the plan and requests that the Court enter an Order denying confirmation for the reasons set forth below and dismissing the case, pursuant to 11 U.S.C. §1307. This objection supersedes any prior objection filed in this case by the Trustee.

Above median income   X   Below median income           

  X   11 U.S.C. §1325(a)(1)-Plan does not comply with all provisions of Chapter 13 of Title 11 and the other applicable provisions of Title 11:

  X   Plan takes over 60 months to complete. **The Trustee projects a length of more than 121 months due to underfunding and the Proof of Claim filed by the Internal Revenue Service (NOTE: Plan length was 121+ months with claims paid as scheduled).**

  X   Other: **To verify that Debtor's plan satisfies the liquidation analysis of 11 USC 1325(a)(4), the feasibility requirement of 11 USC 1325(a)(6), and the disposable income requirement of 11 USC 1325(b), the Trustee requests the following documentation:**  
**-12 months of personal bank statements;**  
**-12 months of business bank statements or verified accounting for each of Debtor's businesses;**  
**-Monthly profit and loss statement for each of Debtor's businesses;**  
**-List of Assets and Liabilities for each of Debtor's businesses;**  
**-Two years of tax returns for each of Debtor's businesses;**  
**-Clarification of the "affiliate loans" disclosed on the income/expense statement attached to Schedule I.**

**Debtor has not filed his Motion to Avoid Judicial Lien prior to the 341 Meeting date.**

  X   11 U.S.C. §1325(a)(6)-Plan is not feasible based on income, living expenses, and plan payments. **Clarify monthly DSO payment. Per Schedule E/F, payment is \$1,000.00 per month. Per Schedule J and Plan, payment is \$100.00 per month.**

**No budget item for estimated taxes.**

X   **11 U.S.C. Section 1326(a)(1)**-Debtor(s) have failed to tender the following pre-confirmation payments not later than 30 days from the filing of the plan or petition (whichever is earlier): **Debtor has not tendered a full first or second plan payment to the Trustee. Debtor has tendered \$18,550.00. Debtor is delinquent \$15,000 in plan funding.**

Pursuant to LBR 3015-2(a), amendments necessary to place the plan in a posture for confirmation must be filed at least ten (10) days prior to the hearing on confirmation set for July 10, 2017, unless Debtor(s) have entered into an Agreed Order with the Trustee and so are bound by the terms of that Order.

Therefore, the Trustee prays that confirmation is denied and this case be dismissed for cause pursuant to §1307(c).

**TERMS OF THE PLAN:**

**Plan Payments: \$30,000 for one month; \$3,550 for REM; plus an additional \$50,000 by 4/30/2020.**

**Best Interest Dividend: 100%     Dividend: 100%**

**Length: 121 Months**

  X   The Trustee will be holding an additional business-case meeting prior to the confirmation of this case.

Dated: June 15, 2017

Respectfully submitted,

/s/ Frank M. Pees

Frank M. Pees  
Chapter 13 Trustee  
130 East Wilson Bridge Road #200  
Worthington, Ohio 43085  
(614) 436-6700  
trustee@ch13.org

CERTIFICATE OF SERVICE

The undersigned hereby certified that on the date shown below a copy of the Trustee's Objection to Confirmation was served electronically on the Office of the United States Trustee and Debtor's attorney, and on the Debtor(s) at the address as currently shown in the Trustee's records by regular first class mail, postage prepaid.

Dated: June 15, 2017

/s/ Frank M. Pees

Frank M. Pees

Chapter 13 Trustee

130 East Wilson Bridge Road #200

Worthington, Ohio 43085-6300